

FINDING OF EMERGENCY

These regulations are being implemented on an emergency basis for the immediate preservation of the public peace, health and safety, or general welfare, within the meaning of Government Code Section 11346.1.

DESCRIPTION OF SPECIFIC FACTS WHICH CONSTITUTE THE EMERGENCY

1. Assembly Bill (AB) 1752 (Chapter 225, Statutes of 2003), was approved by the Governor on August 9, 2003 and enacted as a declaration of urgency, to take effect immediately. AB 231 (Chapter 743, Statutes of 2003) was approved by the Governor on October 9, 2003.
2. Both of these bills are emergency statutes necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.
3. Subject regulations implement and make specific Sections 18901.6, 18901.10 and 11155, Welfare and Institutions Code. As a result of statutory changes, the California Department of Social Services (CDSS) has a mandate to implement changes in the Food Stamp Program by the emergency process.
4. A delay in the implementation of these regulations may put CDSS at risk of legal action that could be brought about by households who have not been granted appropriate benefits due to the lack of implementing these regulation changes.
5. Therefore, to decrease the risk of legal action against CDSS and to protect the health and safety of California's food stamp households, these regulations are adopted on an emergency basis.

INFORMATIVE DIGEST

On August 9, 2003, the Governor signed AB 1752. AB 1752 contains a provision requiring the state to provide a transitional food stamp benefit program. Under this statute, county welfare departments are required to provide transitional food stamp benefits to households who are terminating their participation in the CalWORKs program without the need to reestablish food stamp eligibility.

On October 9, 2003, the Governor signed AB 231. AB 231 requires the state to screen food stamp households for face-to-face interview exemptions upon application and recertification, and to grant such exemptions when appropriate.

As a result of statutory changes, CDSS has a mandate to implement changes in the Food Stamp program by as soon as possible by the emergency process.

These proposed regulations align the state regulations with the statutory changes providing transition food stamp benefits and will comply with the provisions of AB 231 by instructing

counties to screen household applications for exemptions from face-to-face interviews upon application and recertification, and to grant such exemptions whenever appropriate.

COST ESTIMATE

1. Costs or Savings to State Agencies: Costs of \$41,000 for the Face-to-Face Exemption Provision (note: \$1.2 GF was included in the 2003 Budget Act for the Transitional Benefit Provision, however, these funds were proposed for elimination in the mid-year reduction proposal of the Administration in the current State Fiscal Year (SFY). It is anticipated that State agencies will request an increase in the currently authorized budget level for the SFY 2004/2005.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No county fiscal impact exists because the costs (\$18,000) are countable towards the County Maintenance of Effort for the CalWORKs program. However, the SGF MOE dollars must be increased to backfill this \$18,000.
4. Federal Funding to State Agencies: Additional expenditures of approximately \$59,000 in the current SFY.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not school districts. There are “state-mandated local costs” in these regulations, which require federal and state reimbursement due to increased administrative costs under Section 17500 et seq. of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10554, 11265.1 and 18904, Welfare and Institutions Code. Subject regulations implement and make specific Sections 18901.6 and 18901.10, Welfare and Institutions Code.